

**DOCKET FILE COPY ORIGINAL  
BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

**RECEIVED**  
**JUL 27 1999**  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Deployment of Wireline Services Offering ) CC Docket No. 98-147  
Advanced Telecommunications Services )

**REPLY TO OPPOSITIONS TO SPRINT'S PETITION FOR  
PARTIAL RECONSIDERATION AND/OR CLARIFICATION**

**I. INTRODUCTION**

Sprint Corporation hereby replies to the Oppositions to its Petition for Partial Reconsideration and/or Clarification of portions of the Commission's *First Report and Order* in CC Docket No. 98-147, Deployment of Wireline Services Offering Advanced Telecommunications Capability, *First Report and Order*, FCC 99-48, CC Docket No. 98-147 (rel. March 31, 1999) (*Advanced Services First R&O*). In its Petition, Sprint requested the Commission to clarify, or to the extent necessary modify, certain of its holdings with respect to adjacent and cageless collocation arrangements (§§41-44); service degradation disputes (§75); collocation space exhaustion at ILEC premises (§54); and collocation provisioning intervals (§54). Because none of the parties opposing Sprint's Petition have demonstrated that further Commission action in this proceeding is unwarranted, Sprint respectfully requests the Commission to grant its Petition expeditiously.

**II. Discussion**

**A. The Commission should clarify that the definition of ILEC "premises" includes Adjacent Controlled Environmental Vaults**

In its Petition, Sprint asked the Commission to clarify that ILECs must provide requesting carriers with adjacent space collocation on property that is adjacent to ILEC premises when space inside ILEC premises is actually exhausted. Sprint suggested that, to the extent

No. of Copies rec'd atg  
List A B C D E

necessary, the Commission may provide this clarification by more explicitly defining and/or broadening the current definition of the term "premises," codified at Section 51.5, 47 C.F.R. §51.5. Sprint made this request based on BellSouth's (and other ILECs') refusal to abide by the Commission's new rule regarding adjacent collocation.

In its opposition, BellSouth states that its interpretation of the Commission's adjacent collocation rule articulated before the Florida Public Service Commission "is no longer BellSouth's position" and that "it has implemented the requirements of the *Order* including allowing CLECs to construct...adjacent structures in which to collocate." BellSouth Opposition at 4-5. Unfortunately, another RBOC, Ameritech, now has taken up the cause and claims that the position renounced by BellSouth is "correct." Ameritech Opposition at 2. Consistent with the position now renounced by BellSouth, Ameritech objects to any requirement that it permit collocators to construct or procure an adjacent CEV on ILEC property outside of a central office building. Given Ameritech's opposition, Sprint respectfully requests the Commission to clarify ILECs' adjacent collocation obligations as soon as possible.

Section 51.323(k)(3), 47 C.F.R. §51.323(k)(3), adopted in the *Advanced Services First R&O*, requires ILECs to permit new entrants to collocate in adjacent controlled environmental vaults ("CEVs") or similar structures when space inside ILEC premises is legitimately exhausted. It also requires ILECs to permit requesting collocators to construct or otherwise procure such a structure, subject only to reasonable safety and maintenance requirements. Sprint demonstrated in its Petition that BellSouth and other carriers were not complying with this rule on the grounds that in their view, such adjacent space would not be located at ILEC "premises," as the Commission defined that term in the *Local Competition First Report and Order*, CC Docket 96-98, 11 FCC Rcd 15499, 1571 (¶573)(1996). *See also* 47 C.F.R. § 51.5.

In its Opposition, Ameritech appears to claim that if an ILEC chooses to build an adjacent CEV, it may allow CLECs to collocate there. However, notwithstanding the Commission's clear statement to the contrary, Ameritech also appears to claim that an ILEC has no obligation to permit a CLEC to construct or procure its own CEV when available collocation space within a central office is exhausted. This is because in Ameritech's view, the property adjacent to the ILEC central office on which the CLEC would construct a CEV does not constitute ILEC "premises." Ameritech Opposition at 2-4. Thus, even if a central office building were surrounded by acres of property on which an adjacent CEV could be placed, a CLEC would not have the option of meeting its collocation needs by constructing one. Rather, its only hope for collocation would rest on a decision by the ILEC to construct an adjacent CEV to satisfy the collocation needs of its rivals. Ameritech's position is not only directly opposed to the Commission's rules, but also undermines the Commission's policy goals of fostering widespread deployment of advanced services. It effectively limits the collocation options available to its competitors by vitiating the requirements of the Commission's adjacent collocation rule. Sprint respectfully requests that the Commission clarify that ILECs are required to permit requesting carriers to construct or procure adjacent CEVs on ILEC property outside a central office building when space within an ILEC central office is exhausted. Alternatively, the Commission may wish to modify the definition of "premises" to include physical structures (such as an ILEC central office building) and all of the land and buildings owned or leased by an ILEC surrounding such structures.

**B. The FCC should clarify that ILECs may not require the construction of a wall or similar structure to separate ILEC and collocator equipment under cageless collocation arrangements**

In its Petition, Sprint requested the Commission to clarify that ILECs may not require the construction of a wall or similar structure to separate ILEC equipment from CLEC equipment under cageless collocation arrangements. Sprint also requested the Commission to clarify that ILECs may not refuse to commingle CLEC equipment in the same bays that house ILEC equipment. Opposition to Sprint's requests underscore the need for clarification.

In Paragraphs 42-43 of the *Advanced Services First R&O*, the Commission required ILECs, when providing cageless collocation, "to give competitors the option of collocating equipment in any unused space within the incumbent's premises, to the extent technically feasible." The Commission also forbade ILECs from requiring "competitors to collocate in a room or isolated space separate from the incumbent's own equipment." (emphasis added); *see also id.* at Appendix B, 47 C.F.R. §51.323(k). Nevertheless, as the RBOCs clearly state in their oppositions, ILECs continue to use walls or similar structures to separate physically ILEC equipment from CLEC equipment. *See, e.g.*, SBC Opposition at 2-3; U S West Opposition at 5; BellSouth Opposition at 8; and Ameritech at 5.

The RBOCs and GTE also unanimously opposed Sprint's suggestion that CLECs should be able to commingle their equipment in the same bays as ILEC equipment. The primary claim is that such a requirement would conflict with the Commission's finding that ILECs are entitled to enclose their equipment in a cage. *See e.g.*, SBC Opposition at 2. But that is not the issue. An ILEC can enclose its equipment in a cage if it is willing to pay for such an arrangement and if there is sufficient space. However, an ILEC chooses not to enclose its equipment in a cage, a requesting carrier should not be able to place its equipment in the open areas surrounding the

ILEC's equipment. The Commission expressly required ILECs "to give competitors the option of collocating equipment in any unused space within the incumbent's premises, to the extent technically feasible." *Advanced Services First R&O* at para. 42 (emphasis added).

By requiring the construction of walls or similar structures, and refusing CLECs the ability to commingle their equipment with that of the host ILECs', an ILEC may reduce the amount of available collocation space. In doing so, it may also artificially raise the cost of collocation and delay the onset of local competition.

While some cite the need for security as a basis for segregating collocated equipment from ILEC equipment, *see e.g.*, Opposition of Bell Atlantic at 3-4, the RBOCs and GTE fail to explain why they cannot protect their equipment sufficiently by enclosing it within a lockable cabinet at the ILEC's expense. Such a measure would not only comply with the Commission's rules but would also result in a greater amount of available collocation space.

**C. The Commission should clarify that ILECs are in all instances the initial point of contact for inter-CLEC charges of service degradation**

In its Petition, Sprint asked the Commission to clarify that, under Paragraph 75 of the Commission's *Advanced Services First R&O*, all claims that a party's collocated equipment is degrading the service of another party's collocated equipment within an ILEC's central office must first be referred to the ILEC. Sprint further requested that the ILEC be required to notify the other CLEC(s) whenever CLEC services are claimed to be degrading the services of other CLEC(s). The RBOCs and GTE oppose Sprint's request on the grounds that such requirements would impose an unfair administrative burden on ILECs. *See e.g.*, Opposition of Bell Atlantic, at 7-8; Opposition of BellSouth at 12.

Sprint made this request on the grounds that in all or almost all service degradation disputes between CLECs, ILEC facilities such as binder/cable groups will also be implicated.

Given that the relationship between an ILEC and collocating CLECs resembles somewhat that of a landlord and its tenants, it makes sense for the ILEC to be the initial point of contact for disputes between CLECs. This assessment is based on Sprint's experience as an incumbent local exchange carrier. Sprint's ILECs want to know as early as possible whenever a CLEC's equipment may be interfering with the performance that of another CLEC, and such interference may also compromise the performance of the equipment belonging to the ILEC itself. It may not always be apparent to a CLEC whose services have been degraded by another CLEC that the ILEC's facilities may also be affected. It is therefore nonsense to claim, as Bell Atlantic does, that Sprint is motivated by a desire to "unnecessarily burden the incumbent local exchange carrier with obligations that other parties must bear." Opposition of Bell Atlantic at 8.

Sprint does not seek to impose on its own ILECs an administratively burdensome obligation. Nor does it seek to impose on them any unrecoverable costs associated with resolving disputes among competing CLECs. Rather, Sprint only asks that the Commission designate the ILEC as the initial point of contact in service degradation disputes that, at first blush, only appear to concern two or more CLECs. Once an ILEC is notified of such an allegation, the ILEC would then have the responsibility of notifying the alleged offending CLEC(s). Sprint respectfully submits that these limited roles would impose little or no administrative burden on an ILEC. Instead, they would provide the ILEC with ample notice of a potential threat to its own equipment and the service it provides to its customers.

**D. The Commission should reconsider and expand the scope of its rules  
Regarding ILEC and CLEC reservation of space in collocation facilities**

In its Petition, Sprint asked the Commission to reconsider its decision not to require incumbents and collocators to limit any reservation of collocation space to one year and only if that reservation is made pursuant to specific business plans to utilize that space. Sprint also

asked the Commission to require that, when an ILEC claims that physical collocation space is exhausted at a central office, it must detail to a state commission the portion of unavailable space that the incumbent has reserved for its own or any of its affiliates' future use and provide a description of the specific future uses for which the incumbents have reserved that space.

The RBOCs and GTE generally make three arguments against Sprint's requests. First, they argue that a one-year limitation is unreasonable for certain types of equipment such as main distribution frames, power plants and digital cross-connect switches. In order to plan for the orderly growth and expansion of such equipment, these parties claim they need to reserve space for at least 10 years. *See e.g.*, Oppositions of GTE at 2; SBC at 7-9; U S West at 8. Second, they argue that for other types of equipment, such as multiplexers and fiber optic terminals, incumbents and CLECs alike should be able to reserve space for at least two years, which is the amount of time it would take to expand an existing central office or to construct a new one. *See e.g.*, Opposition of SBC at 8. Finally, certain parties argue that no Commission action is necessary because state commissions are better able to address space reservation issues on a case-by-case basis and that in any event, current FCC regulations already prohibit ILECs from reserving space on more favorable terms than are available to collocating carriers. *See e.g.*, Oppositions of SBC at 7, Ameritech at 8-9.

Sprint acknowledges that a one-year limitation on reservation of space may not be sufficient for certain types of equipment that is: (1) provided only by the ILEC and (2) used exclusively for the provision of traditional local exchange and exchange access services. Such equipment may include power plants, main distribution frames and digital cross-connect switches. However, SBC's suggestion that it must be able to reserve space for such equipment for ten years (Opposition of SBC at 9) is excessive in light of the rapid evolution of central office

equipment. SBC's alleged need must be balanced against the needs of competitors to gain access to valuable central office space, as well as against the interest of regulatory agencies in ensuring that ILEC competitors have an opportunity to compete. Thus, the Commission may find it reasonable to allow ILECs to reserve space for this type of equipment in excess of one year but only if pursuant to specific business plans that include a scheduled buildout of the equipment. The Commission should also require that, if the ILEC falls behind in the implementation of its scheduled buildout, it must notify its state commission. At that point, the state commission may consider requiring the ILEC to allow CLECs to collocate in the area it had previously reserved for its buildout schedule.

Sprint maintains that given ILECs' abilities and incentive to inhibit local competition, Commission action is necessary to prevent ILECs from reserving space for their own or its affiliates' use indefinitely, thereby limiting the amount of collocation space available to competitors. Thus, the Commission should clarify that, subject to the exception noted above, an ILEC must limit any reservation of collocation space to one year and only if that reservation is made pursuant to specific business plans to utilize that space.

Central office space is a strategically valuable asset and promises to become even more so as carriers begin rolling out advanced telecommunications services. Sprint in particular will need access to incumbents' central offices as it rolls out its revolutionary Sprint ION service across the nation. Already Sprint has encountered situations in which ILECs have reserved significant amounts of space within their central offices for their own advanced services equipment, such as DSLAMs and multiplexers. To the extent that these reservations are unsupported by specific business plans, they create premature space exhaustion and delay the availability of advanced services to U.S. consumers.



A one-year limitation is therefore needed in order to prevent ILECs (as well as CLECs that have already collocated in a particular central office) from artificially restricting the supply of collocation space. In order to foster nationwide deployment of advanced services, the Commission should adopt a national rule rather than allow states to adopt differing reservation standards. Differences in the amount of time that an ILEC may restrict the availability of critical central office space will undoubtedly lead to inconsistent deployment of advanced services across the country. To further the Commission's goal of fostering widespread deployment of advanced services, Sprint respectfully requests the Commission to adopt these measures expeditiously.

**E. The Commission should reconsider its decision not to provide States with even minimum time frames for provisioning of collocation space**

In its petition, Sprint requested the Commission to impose a minimum standard interval of no more than 90 calendar days in which a requesting carrier must be allowed to physically collocate at a particular LEC premises, so long as previously conditioned or prepared space is available. Sprint suggested that this interval should run from the date that a CLEC submits its application to the ILEC to the date in which the CLEC is able to physically collocate. If the incumbent believes that an insufficient amount of previously conditioned or prepared floor space is not available, it should continue to be required to provide the requesting carrier with such a response within ten days and post such information on its web site. It should also be required to provide the collocation space in no more than 180 calendar days from the date the requesting carrier submitted its application. Petition at 9-10.

Sprint requested the Commission to reconsider its decision not to adopt minimum provisioning intervals in order to minimize the incentive and ability of ILECs to delay implementation of requesting carriers' collocation requests as a way of impeding competition.


Bell Atlantic at 10-11 contends that no Commission action is necessary since at least some states have adopted provisioning intervals that are not inconsistent with those suggested by Sprint. However, Sprint continues to maintain that timely provisioning of collocation space is absolutely critical to the success of ILEC competitors. Without national guidelines, the ability of CLECs to obtain timely access to ILEC central offices will vary from state to state. To foster rapid, nationwide deployment of advanced services, and to deter ILECs from restricting access to valuable central office space, Sprint respectfully requests the Commission to adopt the minimum national provisioning standards proposed in its Petition.

### III. CONCLUSION

Sprint continues to urge the Commission to clarify or modify the rules and policies adopted in the *Advanced Services Order First Report and Order* as described above.


Respectfully submitted,

SPRINT CORPORATION

  
Leon M. Kestenbaum  
Jay C. Keithley  
H. Richard Juhnke  
James W. Hedlund  
1850 M Street, N.W., 11<sup>th</sup> Floor  
Washington, D.C., 20036  
(202) 857-1030

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing **Reply to Oppositions to Sprint's Petition for Partial Reconsideration/Clarification** was sent by hand or by United States first-class mail, postage prepaid, on this the 27<sup>th</sup> day of July, 1999 to the parties on the attached page.

  
Christine Jackson

July 27, 1999

Mark Rosenblum, Esq.  
Stephen Garavito, Esq.  
AT&T Corporation  
295 N. Maple Avenue  
Basking Ridge, NJ 07920

Michael Pabian, Esq.  
Frank Panek, Esq.  
Ameritech, Room 4H82  
2000 West Ameritech Center Dr.  
Hoffman Estates, IL 60196

Joseph Dibella, Esq.  
Lawrence Katz, Esq.  
Bell Atlantic  
Eighth Floor  
1320 North Court House Road  
Arlington, VA 22201

M. Robert Sutherland, Esq.  
Richard Sbaratta, Esq.  
Stephen Earnest, Esq.  
BellSouth Corporation  
Suite 1700  
1155 Peachtree Street, N.E.  
Atlanta, GA 30309

John Raposa, Esq.  
GTE Service Corporation  
600 Hidden Ridge, HQE03J27  
P.O. Box 152092  
Irving, TX 75015

Alfred Richter, Jr.  
Roger Toppins, Esq.  
Michael Zpevak, Esq.  
SBC Communications Inc.  
One Bell Plaza, Room 3043  
Dallas, TX 75202

Kathryn Brown, Chief  
Common Carrier Bureau  
Federal Communications  
Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

International Transcription  
Service  
1231 20<sup>th</sup> Street, N.W.  
Washington, DC 20036

Robert McKenna, Esq.  
U S West Communications  
Suite 700  
1020 19<sup>th</sup> Street, N.W.  
Washington, D.C. 20036

Lawrence Sarjeant, Esq.  
Linda Kent, Esq.  
Keith Townsend, Esq.  
United States Telephone Assn.  
1401 H St., N.W., Suite 600  
Washington, D.C. 20005